

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ZACKARY ELLIS SANDERS,

Defendant.

Case No. 1:20-cr-00143

Honorable T.S. Ellis, III

Trial: October 19, 2021

HEARING REQUESTED

**RENEWED MOTION TO SUPPRESS BASED ON WARRANTLESS USE OF A
NETWORK INVESTIGATIVE TECHNIQUE AND FALSE MATERIAL
INFORMATION IN AFFIDAVIT PARAGRAPH 25**

Zackary Ellis Sanders, by and through counsel, respectfully supplements the record and renews his motion to suppress all evidence obtained during the search of his family's home.¹ This motion is based on substantial evidence now available regarding the United States' integral role in the purportedly "independent" foreign law enforcement investigation that led to the search warrant in this case. As a result of the joint nature of that investigation, there are two related but independent grounds requiring suppression here: (1) that a Network Investigative Technique, CIPAV, or other form of code (collectively referred to as an "NIT") was deployed to an Internet user's computer without a US warrant as part of the joint operation, in violation of Mr. Sanders's Fourth Amendment rights; and (2) that the FBI knowingly misled the Magistrate regarding the nature of this operation in seeking its warrant. This motion incorporates new

¹ This motion renews and supplements Mr. Sanders Motion to Suppress Based on False and Misleading Material Information in Affidavit Paragraph 25 (Motion to Suppress No. 4) (Dkt. 90-91). Mr. Sanders also incorporates by reference the following prior pleadings and related exhibits: Dkt. 109, 112, 137, 138, 140, 176, 241, 252, 253, 255, 256, 335, 354, 427, and 467.

evidence uncovered after the filing of Mr. Sanders's motions to suppress, such that the Court should consider the issues on a more complete record, "correct a clear error of law," and "prevent manifest injustice." *Zinkand v. Brown*, 478 F.3d 634, 637 (4th Cir. 2007).

This Motion is supported by a Memorandum in Support.

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of September 2021, the foregoing was served electronically on the counsel of record through the US District Court for the Eastern District of Virginia Electronic Document Filing System (ECF) and the document is available on the ECF system.

/s/ Jonathan Jeffress

Jonathan Jeffress